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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. C.J.

Writ Petition No. 1509 of 1996

PETITIONER : Bilaspur-Raipur Kshetriya Gramin Bank, Bilaspur, through the Chairman.

Versus

RESPONDENTS:

1. Second Additional Judge to the Court of District Judge, Bilaspur.
2. Third Civil Judge Class-II, Bilaspur.
3. Govind Ram Sidar S/o Badlu, Resident of Village Gobra, Tah. Sakti, Distt.-Bilaspur.

Writ Petition under Article 227 of the Constitution of India

Present: Shri P.K. Bhaduri, counsel for the petitioner.

ORAL ORDER
(Passed on 18th July, 2007)

A suit for permanent injunction was filed by respondent No.3/plaintiff in the Court of Third Civil Judge, Class II, Bilaspur against the order of retrenchment and it was further prayed that the plaintiff be allowed to function as he was earlier working on the post of Sweeper-cum-Waterman. An objection was raised regarding maintainability of the suit. When an application was moved by the petitioner under Order VII Rule 11 of Code of Civil Procedure *inter-alia* on the ground that the plaintiff has challenged the retrenchment for which there is a separate forum of Labour Court and the Civil Court does not have jurisdiction. However, unfortunately his application, aforesaid, was rejected by the Civil Judge. Aggrieved by the same, the petitioner filed a revision before the Second Additional District Judge, Bilaspur who too rejected his revision.

Shri H.S. Patel, has not participated in the proceedings on the pretext that he is no more appearing in this matter. I find force in the

question of law raised by the counsel for the petitioner that the suit before the Civil Court wherein retrenchment is under challenge and is not maintainable before the Civil Court. Accordingly, the orders passed by the Civil Judge and the Second Additional District Judge are set aside. The petition stands allowed.

Sd/-
Ag. Chief Justice

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